

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JENNIFER PARKS,

Plaintiff,

v.

05cv0907

**Electronically Filed**

PENN HILLS SCHOOL DISTRICT, ET AL.,

Defendants.

**Memorandum Opinion and Order of Court**

The Court has carefully considered defendants' motion for summary judgment (Document No. 28), plaintiff's response, the competing statements of material facts, the memoranda of law in support and in opposition to summary judgment, and the accompanying supporting materials. The *McDonnell Douglas* standards (*McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973)) compel denial of summary judgment where plaintiff offers sufficient evidence from which the jury could find a prima facie case of discrimination, and, where her employer proffers adequate evidence to demonstrate legitimate business reasons for the adverse employment action, that the reasons offered by the employer are not worthy of belief and may be viewed as pretext. *Anderson v. Consolidated Rail Corp.*, 297 F.3d 242, 247 (3d Cir. 2002), quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 254 (1986); *Fuentes v. Perskie*, 32 F.3d 759, 763-64 (3d Cir. 1994).

The Court finds that genuine issues of material fact exist regarding the reasons defendants give for terminating plaintiff, evidence that adequately, although not overwhelmingly, raises doubt about those reasons, and which involve issues of credibility that remain for the jury to resolve. Accordingly,

**IT IS HEREBY ORDERED** that defendants' motion for summary judgment (Document No. 28) is **DENIED**. Plaintiff's motion to strike statement of facts (Document No. 30) is **DENIED** as moot.

**So Ordered** this 17<sup>th</sup> day of February, 2006.

s/Arthur J. Schwab

Arthur J. Schwab  
United States District Judge

cc: All counsel of record

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